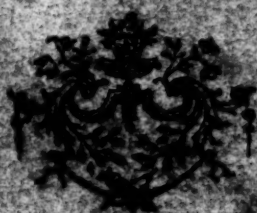


A
PETITION
OF THE
UNDER-FARMERS
OF THE
CROWN LANDS
TO THE
KING,

To prevent the Smuggling of SOULS.



LONDON

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OF THE

AFRICAN CONTINENT

AND

P E T I T I O N

OF THE

UNDER FARMERS of the CROWN
LANDS to the KING.

S I R E,

THE Farmers of the Crown Lands most humbly represent to your Majesty, That little accustomed to take part in questions belonging to the Church, they have at first seen with indifference those which have arisen on the subject of certificates of confession: but the clamour of this dispute having excited their curiosity, they have ventured to take it under consideration, without having any view to their own private advantage. The pains they have taken have not however been thrown away: they have happily found that the contest was not quite foreign to them, and that independent of the interest of religion, the use of certificates of confession may be easily made to contribute to the increase of the revenue. They have there-

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fore conceived a project, the most important perhaps that ever was invented by an Under-farmer; because it is as simple in its own nature, as it is fruitful in the benefits to be produced from it. This project consists in subjecting certificates of confession to the formality of being stamped.

The new system of the Petitioners has this remarkable in it, that by being of a mixed nature, it is equally adapted to preserve to the Church the possession of a multitude of spiritual advantages, and to procure very considerable ones to the State. It is not common for supplicants in their requests, to offer such exalted motives; but it is a flattering consideration to them to think, that they shall destroy the ancient prejudice, that the collectors of the revenue are of no service to religion.

To render your Majesty sensible of the advantages the Church will reap from this project, it is indispensibly necessary that we enter into a detail of those she derives from certificates of confession.

The Petitioners will not advance their own observations on this subject; they have consulted the Sorbonne; can they then err, while instructed and guided by these learned masters, so scrupulous in scanning theses, so exact in the censure of those who are erroneous, so warm and so severe in punishing those who have supported or approved them? No greater security against error can there be, than their suffrage, who, like the most attentive commissioners, incessantly watch the barriers of the Church, to forbid the entrance of all contraband opinions.

Your Petitioners have learnt from these doctors, that the exaction of certificates of confession

feſſion is a cuſtom reſpectable in itſelf, lawfully eſtabliſhed, and infinitely uſeful to the ſociety of the faithful.

Leaving to the learned the care of diſcovering its origin, which without doubt is derived from the moſt early ages, it ought to be ſufficient that we know it to be authoriſed by the Biſhops; for a great prelate aſſures us*, “it owes its birth to the moſt grave and prudent authority.” Every Biſhop is ſovereign in his own dioceſe; he can at his pleaſure change the ancient cuſtoms, and introduce new ones: if they are unneceſſary, if they are even inconvenient, is no concern of the inferiors; their part is a blind ſubmiſſion. Now the prelates, (or which is the ſame thing, a majority of them) who are as infallible in their dioceſſes, as the Pope is with reſpect to the whole Church, regard the producing a certificate of confeſſion, as a prelude abſolutely neceſſary to the receiving the ſacraments: Whoever is not the bearer of theſe certificates, muſt therefore want one of the moſt eſſential diſpoſitions for receiving the Eucharift in a worthy and acceptable manner.

Let it not be imagined, that this practice is one of thoſe little affairs of policy which may eaſily be ſacrificed to the circumſtances of the times. We are able to judge of its importance by the zeal which the Archbiſhop of Paris ſhews for its preſervation. This learned prelate, perſuaded from good grounds, that there is no ſalvation without a certificate of confeſſion, has ordered all his Clergy to reſuſe the ſacraments, even to the dying, when the confeſſion

* Letter from the Archbiſhop of Sens to a M**** counſellor in parliament, of the 25th of April, 1752.

is not justified by a note properly attested. Scarce did he see the famous decree of the parliament, which is in fact only proper to give a false peace to the Church, than strongly alarmed at its contents, he set every engine at work to prevent its fatal effects. Instantly, by a laudable and pious address, he made the Clergy of the Capital sign a petition, in which, attesting with as much exactness as sincerity, the existence and the necessity of this holy custom, he intreated them to undertake its defence. If any one of his curates have shewn coldness and indifference, what has he not done to rouse the sunk courage of these timid subalterns, who had not the resolution to set their seal to their faith by an authentic subscription? He has determined some generously to give their testimony, and has hindered others from falling, by forcing them to erase the corrections they had added to his memorial.

But to form a just idea of the precious advantages of these certificates of confession, their origin must be sought in the fundamental maxims of religion.

It was formerly thought that, as it is taught in the gospel, the business of Christianity was to recal men from the wandering imaginations of the heart, and to draw them nearer to God, by reforming their thoughts and actions; that Jesus Christ came upon earth to make saints, who were to walk faithfully and constantly in the path of the divine commandments, whose course was not to be interrupted by mortal sins; they believed, with the holy apostle St. Paul, that "a fornicator, a covetous, or a railer, or a drunkard, or an extortioner," could no more enter into the kingdom of God, than a Pagan
and

and an Idolater : and that if they had been such before they were Christians, they ought no longer to indulge themselves in the practice of these crimes, after they had once began to make a profession of Christianity. They were simple enough to think with the ancient doctors of the Church, that a true Christian never fell into these excesses ; and that whoever suffered himself to commit them, could not be reckoned in the number of the faithful, till the day in which he totally ceased from committing sins of this kind.

They then talked little of confession, and much of conversion and a change of heart. It was the fashion ; and they were better pleased to see Christians in a state that made confession unnecessary, than to oblige them to confess. But these are old errors, from which the world is at this day happily reformed. We are now sensible, that the whole of religion is reduced to the single article of confession : that there is no obligation more essential to a Christian, than his confessing frequently, or rather, that it is almost the sole obligation of Christianity. Is not every thing done when we have confessed ? and can salvation be denied to him who does not die without confession ? The Scripture, therefore, cannot refer to this time, when it says, " many are called, but few are chosen. " few, very few die without confession ; therefore few, very few of those who are called fail of being chosen.

Besides, the Church exhorts and presses her children to communicate often ; and we cannot be ignorant, that each communion is of no service, unless it be preceded by a particular confession. Now the precept of confessing, draws after it, by a necessary deduction, the obligation

of proving the confession by a certificate. It is a maxim as good in theology as in politics, that a rigorous law is not perfect, unless it requires a written proof of its being put in execution.

Nothing can be a better proof, in the opinion of the doctors, our sagacious masters, of the importance of certificates of confession, than the opposition raised by the enemies of these certificates to these holy maxims. They presume to say, that it is not always necessary to confess before the participation of the sacraments; that in the lives of the Saints no mention is made of their confessing till the time of their death: that the old Christians made little use of this remedy: that by the institution of Jesus Christ, the law of confessing regards only those who are in the bonds of iniquity: that it is thus the council of Trent has decided this matter: that though in that of Lateran, it is said that all the faithful of both sexes ought to confess at least once a year, the most able divines, and the catechisms themselves, teach that this obligation, imposed by the council, regards only those who are guilty of mortal sins. And from hence these enemies rashly conclude, that confessions not being necessary to all, they ought not to demand certificates of all indiscriminately, because it would be unreasonable to oblige men to prove that they have done what they were under no obligation to perform.

What gross errors! These innovators do not see, that it is not now as it was in former ages, in which Christians were to walk all the days of their lives in the ways of holiness and justice; and in which the difficulty of recovering lost health, rendered it firm and lasting when once they had attained it. The Church now com-
prehends

prehends so great a number of bad spiritual constitutions, that it ought, for the comfort of those who have such a bad habit of soul, to dispense ready succour and frequent remedies: from whence results a double obligation, namely, on the part of the sinners, that they go with speed to confession; and on the part of the confessors, that they make still more speed in giving absolution. These antient Christians were standing miracles; but it is a long time since God has worked any of these wonders: he at present presents us with Paradise at a much cheaper price. The sum total of morality in all consciences is vitiated by a mortal sickness; it is then certain, that in the regular order of things we cannot arrive at the gate of salvation, without confessions often repeated.

The Petitioners have themselves furnished the doctors of the Sorbonne with a new and unanswerable proof, that it is without doubt a mortal sin, and one of the most dreadful kind, to defraud the crown of its revenues; yet where are the men who have any scruple with respect to this article? This example, independently of many others, shews, that the habit of falling into mortal sin prevails amongst all your Majesty's subjects. Now laws are made for the multitude, and ought to be proportioned to the wants of the majority of the people; such is the foundation of the general and unreserved precept of confession, and consequently of the universal obligation to justify the confession by a certificate.

It must not be forgot, that confession is a rigorous law, the execution of which can be no otherwise secured, but by the extreme difficulty of concealing the breach of it. If, therefore,

it was permitted to make an exception in behalf of the faithful, who believed themselves free from mortal sin, how many men might, perhaps, from a spirit of party, totally abstain from these sins, from the single view of not being obliged to give certificates of confessions? Could any thing be more inconvenient, or attended with worse consequences?

If we pass from the duties of the faithful to those of their pastors, there will arise new proofs in favour of certificates of confession. It is the duty of the pastors to guard the things that are holy for the use of the saints; and to exclude from the participation of the sacraments, those who have not that purity which they require*. But how can they read the hearts of Christians, how assure themselves, by convincing proofs, of the true state of their souls? St. Augustine, in his time, found it impossible; and we find by his sermons, that he seriously employed himself in giving consolation to the truly faithful, who complained that they sat down at the holy table with liars, with the perjured, and with thieves.

Thanks to the certificates of confession, all these difficulties are levelled: by the help of this touchstone they discern the just from the unjust; they admit none to the marriage-feast, but Christians who have this wedding garment. They are certain, that by being absolved from all mor-

* "We cannot neglect this practice without being exposed to the hazard of giving, by surprize, the holy communion to men notoriously guilty and scandalous; to men who live in the public and avowed indulgence of hatred and malice; perhaps to the impious and to huguenots, who, without believing in our holy mysteries, would, under the appearance of dying like christians and catholics, secure their wealth from confiscation, or their honour from being defamed." Letter from the Archbishop of Sens.

tal sin, by a recent absolution, they have the holiness commanded, tho' they have not even that which is becoming : they are no longer reduced to the hard necessity of imitating the condescension of Jesus Christ, who communicated with the traitor Judas.

Our grave doctors have, however, informed us, that Pope Benedict XI. did not find these certificates to his taste : in a certain *Extravagante* §, properly enough so called, this Pope orders, that the words of such Christians should be taken, who declared that they had been confessed †. There is in this decision, a goodness of soul that is astonishing, to say no worse of it. Believe Christians on their declaration ! what would be the consequence, Sire, if, for the preservation of your rights, we were contented with such a security ? Does it not come nearer, both to the spirit of the Church, and to the charity of its pastors ; and is it not more for the interest even of the faithful, to suppose that all those who demand the sacraments are hypocrites, who would sit down to the holy table without being washed in the pool of repentance ? How dangerous would be the belief, that a person in the agonies of death, just ready to appear before his Maker, should be religious enough to prepare for death by confession, and so sincere as not to make a false declaration ! This was the error of

§ An *Extravagante* is a decree of the Pope added to the canon law.

† Super confessione autem factâ fratribus memoratis, cum de contentis solius præjudicio (si falsum dicat) agatur in judicio animæ, seu poenitentiae foro ; STABITUR SIMPLICI VERBO ILLIUS qui sacramenta petit, & dicit fratribus se confessum. Duos tamen casus excipimus ; scilicet, si sacerdos asserat eum excommunicatum, aut notorie peccatorem. *Extravag. Commun. l. 3. de privileg. cap. 1.*

that

that good Pope Benedict XI. who without any great knowledge of the human heart, was altogether as uninstructed in the holy rigour of ecclesiastical policy. We need, however, no other arguments to discredit his decision, than the single reason on which it is supported. We ought, says this sovereign pontiff, to be satisfied with the declaration of a penitent, because if he is guilty of a lie, he injures none but himself. What sad reasoning is this for a Pope! We must then have men to damn themselves whenever they are resolved to do it; and pastors are not made to save men in spite of their teeth. This decision, Sire, in which we can recollect but little of the spirit of the apostolic chair, has not been pronounced in that specific form which is called *ex cathedra*: but yet as this, as well as a great many other authorities still more ancient, may make an impression on some minds, your Petitioners have been advised to attack them all by way of appeal against an abuse, and from this subject they will draw conclusions, which, tho' directly levelled only at the *Extravagante* of Benedict XI. will equally strike at all the other antient monuments, whose spirit is recalled and contained in this worst of all decisions.

Let us proceed then, under the guidance of our doctors, to expose the wonderful effects of the certificates of confession. They serve to distinguish catholics from heretics. Tho' protestants may be justly driven out of the kingdom, yet they are found in great numbers; but the Church would not dispense to them the favours she reserves for her children: by what marks then can she know these, the declared enemies of her worship? for faith is not to be discerned by the dress or outward figure of the man. A certificate

tificate of confession, however, cannot be mistaken; for whoever confesses is a good and a most excellent catholic. Happy expedient, which cannot be sufficiently admired! It is simple in its invention, ready in its effects, commodious in practice, and infallible when brought as a proof.

The adversaries of these bills, the unwearied sticklers for the antient rites, pretend, that the visits of pastors, and the professions of faith they ought to demand, are the true means of discovering heretics; that a certificate of confession is a weak obstacle to the frauds heretics may put in practice; that a protestant, when determined to receive the holy Viaticum (tho' according to the principles of his sect this is an act of idolatry) will not be more scrupulous about the sacrament of penance; and that it will cost him but little to buy a certificate by a pretended confession; that atheists, without any belief at all, may think it a duty due to society to confess and communicate devoutly. They add, that the *Sieur Blampignon*, late curate of *St. Merry*, being called to one of his sectaries, and required in the presence of witnesses to hear him, received the history of a dissembled abjuration, of which he repented. The curate, justly shocked at this horrible profanation, consulted his superior on the public administration of the sacraments, which they pressed him to grant; and *Cardinal Noailles* decided the question in favour of the sick man, by affirming that the curate could not dispense with administering them.

These, *Sire*, are, according to the doctors of the *Sorbonne*, but trifling objections, that refute themselves by the consequences which they draw after them. In this case it would be necessary

cessary for the curates and vicars to waste away their lives in continual visits, in visits that would expose them to controversial disputes, which require a knowledge almost incompatible with the great employments of a minister; and to the hazard, perhaps, of suffering themselves to be perverted, as was a certain missionary who had undertaken with more zeal than light the conversion of a mandarin.

Why are certificates of confession, in the eyes of these innovators, only equivocal signs of orthodoxy? It is because a heretic may easily obtain them by a fraudulent confession. But does the using these certificates deserve less praise, because they force the heretic to commit a double sacrifice? No certainly; it is on the contrary, making use of this grand principle, so fruitful of benefit when applied to matters relating to the revenue, that "the true secret of rendering frauds more difficult, is to lay men under the necessity of multiplying them."

Without the certificate of confession, we have no security against the stratagems of the huguenots. A journalift, who has good intelligence, informs us, that when they are sick, they seize the last extremity to demand those sacraments which they detest. The priest, on being informed of the danger, makes haste to set out; but scarcely has he advanced a few steps, when he is stopt by a second messenger, who informs him that the sick man is dead. These children of dissimulation please themselves with these stratagems, obtain the honours of burial, and, what appears still more afflicting, avoid the confiscation of their substance. Strange and horrid profanations, that must sadden every heart sensible to the interests of religion! The bodies of those
who

who had followed the doctrines of Calvin laid in holy ground! the succession of a calvinist yielded to his children! abuses that fill the mind with horror. Their children, it must be confessed, are called by the law of nature to gather the wealth which their fathers had received from the sovereign Master, "who makes his sun shine on the evil and on the good;" but would there be the least decency in urging the principles of natural right in favour of those who are separated from the unity of the church? It is, therefore, the height of charity in our pastors to watch over the execution of the laws which reduce to the horrors of indigence the widows and children of the pretended reformed. They will never think of any thing more proper to hasten their entire and sincere re-union. Violence in religious affairs is the grand means of succeeding.

But, continue the innovators, the certificate of confession only removes this inconvenience, by bringing on another, which is much more considerable. What must be the fate of the catholics, whom some sudden accident deprives of reason, and soon after of life, if the church grants the sacraments, and the privilege of burial, only on the testimony of a certificate of confession? Death will not always wait for our being furnished with such a certificate. If the presentation of such a note is indispensibly necessary to ecclesiastical burial, it must be refused to the faithful when surprized by a quick and sudden sickness, at least if our bishops do not by good and wholesome decrees forbid all catholics dying suddenly. Is it not a less evil to run the hazard of giving burial to a worthless protestant carcase, than to deny it to a true son of the church?

church? for it is a received maxim, that it is better to save many who are guilty than to destroy one innocent person. The antient canons foresaw the case of a sick person who fell into a lethargy, before the arrival of the priest he had sent for; and they enjoin that upon the testimony of the neighbours who should answer for his eager desire to receive the Eucharist, the minister should put the Host into his mouth. * Why do they not follow the same wise rule, with respect to one whom a distemper deprives of reason, or who is snatched away by sudden death, before it was possible for him to confess?

The Petitioners might have been struck with this apparent danger, if the accidents objected had been more common, or the law which prescribes the certificates less necessary. The Bishops who have dictated the law, have acted with authority and with understanding. Since the certificates are the only sufficient sign of catholicism, there is no room for disputing; they ought to submit. But what, after all, is the danger they mention? Some inconveniencies, and those such as happen very seldom. What human law is exempt from them? Are they ignorant, that the most perfect are those which are attended with the fewest? How many much greater inconveniencies ought there to be, to hinder the establishment of a regulation from which the Church reaps such considerable advantages?

Besides those which your Petitioners have already offered, there are a throng of others which

* Dent testimonium qui eum audierunt, & accipiat pœnitentiam; & si continuo creditur moriturus, reconcilietur per manus impositionem, & infundatur ori ejus Eucharistia. Conc. Carthagin. 3. Can. 34. Concil. Carthag. 4. Can. 76.

must

must more and more convince your Majesty of the extreme utility of certificates of confession. What, for example, will become of the rules of the Church Government, if they do not keep a strict hand in the execution of these certificates? The friars, who pay but little submission to their ordinary pastors, would go and confess the sick, without troubling themselves with obtaining the consent of the vicar. The certificate is a curb which retains them within the bounds of their duty. If these breakers of the rules of Church Government leave a testimony, their signature which makes them known, makes it easy to put a stop to their proceedings; if, from a fear of doing it, they give no certificate, they punish them, by letting the sick die without the Sacraments.

Ill designing men might, perhaps, here imagine that they had room, to let loose their criticisms, if they were permitted to reason on the laws of the Church. What, say they, deprive a dying man of the most precious consolation, only because his confessor has forgot to make a visit of ceremony to the vicar? When a sick man calls for his confessor, ought he not to suppose that he comes furnished with all necessary authority? Must he, before he runs the hazard of confessing, begin by making his confessor submit to undergo an examination on his abilities, and lay before him the testimonials of his priesthood, or his letters of approbation? And if the confessor, after having heard the sick person, should, without pity refuse the certificate, is it just that the poor dying man should suffer the punishment only due to the confessor; and for an offence to which he is a stranger, be struck with the most dreadful excom-

excommunication? It is thus that human reason insolently rises to oppose the laws that are contrary to its dictates. With a simple and submissive faith we place our selves above all these vain arguments: Our teachers who understand the subject tell us, that though in this case the absolution of a friar be valid, that tho' a visit of ceremony, considered in itself, be a matter of small moment, it is not the same with the rules of Church Government, which cannot be supported without certificates; that it is a thing of importance, that the monks be rendered more civil and more dependent, to teach them to live at the expence of their sick penitents; and that when the general welfare is in question, we ought to be in no concern about sacrificing a few particular victims.

Another abuse of a much more frightful nature, must now be urged in favour of the certificates, because they are the only efficacious remedy that can be opposed against it. The Petitioners have heard that the Church of France, is actually afflicted with a heresy, which is the more dangerous, as in spite of the most exact researches, it has hitherto been found impossible to discover in what it consists. But happily the zealous pastors know the sectarists by an infallible mark; that is, by these heretics defying them to prove them guilty of error.

They therefore justly proceed against these dangerous innovators by a total interdiction of confession and the sacraments; but there are found amongst them some priests, who confess in private, and without authority to do it, and who, instead of the surplice and the square cap, essential parts in the form of confession, presume to remit sins with their hats on their heads, and their

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their swords by their sides. These covert heretics will not acknowledge their attachment to so criminal a practice; for every thing that is bad is capable of being denied. They pretend that their manner of attacking the devil, never consists in drawing their swords against him, and that they were never surpris'd administering absolution in such a dress. However, if they have nothing to reproach them with on this article, what can be said, if they shelter themselves by maintaining, that the absolution of any priest is valid in a case of necessity? And in answer to the whole charge they may bring an old musty history of one St. Eusebius, who, say they, at the time when the Arians were in credit, made no difficulty of running through the world in the disguise of a soldier, and of exercising in that habit the most important functions of a minister.*

However this be, the Petitioners observe, that the practice of using certificates is not less necessary, in order to put a stop to this disorder. If the abuse is real, the people must no longer think of taking absolution from these contraband chamber confessors, who being declared enemies to signing, will never expose themselves by signing certificates. If the accusation is false, the certificates will serve at least to prevent this scandal. Is there any one among the catholics who ought not to be charmed, that

* "As he knew that many churches were deprived of their pastors, he ran through Assyria, Phenicia, and Palestine, disguised like a soldier, and wearing on his head a tiara like the Persians. He ordained priests and deacons, and other clerks who were wanted in the Church, and when he met with Bishops ordained even Bishops." Fleury's Ecclesiastical History, Lib. xvii.

only from the fear of so great an evil, they are obliged to make use of certificates? Would they have the proctors established to discover and prosecute for crimes against the Church, exhaust themselves by a fruitless search after such offences as are always committed in secret? It is both more natural and more reasonable, to impose on all christians the small inconvenience of certificates of confession.

The principle the innovators act from, and the example they cite, are of no weight. They indeed believe them very strong, because they have found by chance, in the corner of a book, an old solitary passage, of which they make an ill use. But who has told them, that their Eusebius was never sorry for his conduct, and that sensible of the greatness of his fault, he did not make haste to confess, in order to obtain absolution? Let this Bishop be a Saint, if they please, what has his step in common with the innovators, and the situation of the age in which he lived, with the present state of the Church? Are we reduced to this case of necessity, at a time when we see, on all sides, an holy conspiracy formed, to multiply confessors and confessionals? If the harvest is abundant, we have a superabundance of labourers. Without speaking of the ordinary confessors with which the parishes are filled, zealous missionaries run through the cities and the fields, who dispatch hundreds of sinners a day, plant great crosses and sell little ones; and no persecution stops the course of these laborious apostles. Is not the Church in her most flourishing state? Are not her riches immense? Do not her Bishops and her Abbots live like great lords? And is not her spiritual state perfectly answerable to her temporal? Were

Were ever missions more blustering and more frequent; confessions and communions more multiplied; salutations more brilliant, and processions more magnificent? In a word, was the worship of religion ever more rich and more pompous? In our days the secular power is so far from being armed against the Bishops, that it abandons to them all its authority, to banish, imprison and ruin all who oppose them. Has not the Bishop of Amiens made an holy and admirable use of it, in banishing from their country two of his diocese, (one of whom was the father of many children) who had the rashness to demand the last sacraments for their aunt, without a certificate of confession? What then is become of the example of this Eusebius?

Your Petitioners, Sire, would never have done, were they to explain to your Majesty, all the advantages which the doctors in divinity, have made them sensible of their enjoying, from the precious use of certificates of confession: there are few customs in the Church in which they are so much interested.

It serves to preserve the decency of the sacred functions. We have seen every day and in every street, men fall down dead drunk, and the passengers deceived by their helpless condition, run to Church to procure them the sacraments. The priests arrive: And how scandalous is it for them to find, that instead of a dying man, they have one before them who enjoys an indecent kind of health, and who only deserves to be sick? Since the Priests have walked only by the light of the certificates, these accidents have never happened.

By the certificates of confession it is known to whom the faithful go to confess ; and this knowledge is more useful than can well be imagined. When a superior ecclesiastic has a marriage at heart, which a family, or a wrong-headed guardian disapproves, he addresses himself to the confessor of the future husband or wife, and orders him to dispose the mind of the one or the other in favour of the engagement. In case of rebellion on the part of the penitents, a certificate of confession is refused, which disqualifies them for any other marriage : If it is the confessor who prevaricates, an interdiction in due form immediately follows his disobedience.

The use of certificates is of admirable advantage in supporting the privileges and immunities of the Church. Secular and regular confessors are forbid to absolve and deliver certificates to all those who are justly suspected of not paying them a due respect, and to secure the fidelity of the confessors, they suspend all those who have the weakness to grant certificates contrary to the contents of the prohibition.

Has the curate amongst his sheep a lamb ill advised, who refuses him the tithe of his apples, under a pretence that they are not his due, immediately, like an able and expeditious man, he does himself justice ; he engages the neighbouring curates to refuse the certificate of confession to the guilty ; and the refusal of the tenth apple is punished with the refusal of the Host.

On these glorious principles, one of the great Curates of Paris, (the Curate of St. Sulpice) registered every day certificates of confession, and kept an exact catalogue of the names of all the confessors who administered absolution to the sick. What a salutary foresight ! If there dies

dies a suspected person in the extent of his parish, the register is consulted; they know the confessor, he is instantly sent to his parish, or informed against, if the case deserves it, to the Archbishop, who takes away his power, for being accused and convicted of having made such an ill use of it.

Can we be astonished, Sire, that a practice so useful to Ecclesiastical government, has made such rapid progress, and that pastors shew so much zeal for confirming and extending its empire? The Petitioners can assure your Majesty, that two of the most celebrated curates of Paris, the curates of St. Roch and St. Andrew, are here so cordially united, that they never confess their own sick parishioners, without leaving certificates that the priests of their church who carry the Host, may be in a condition to administer the sacraments, with a full security of conscience: They would take it ill, that in this case, the ecclesiastics who are subordinate to them, should trust to their words. What good Parisian can be offended at his probity's being called in question, when the pastor himself consents that his shall be suspected?

Great examples, Sire, produce great things: from hence the use of certificates gained ground and increased every day. These important notes are no longer the price of a single sacrament. All orders of the state, except some magistrates, who were always the patrons of the old rubricks, pressed to pay them homage. They became introduced even among your Majesty's troops; and no officer was received into the French Guards, without proving his vocation and courage, by a certificate of confession. If we may believe a certain fact, the affair has

in this respect been carried so far, that a young man related to Mr. Beaumont, being presented without a certificate, to take possession of the post of an ensign, it was decided by the regiment, that, to prove the great deference this body paid to the orders of the Prelate, they could not dispense with his submitting to this law. A laudable severity that has hindered so dangerous a breach in a point of discipline of such importance to the military and christian service!

Let the innovators after this exclaim against the inconveniencies of this salutary custom; let them say, that to add the most terrible excommunication to a mere matter of form, the omission of which is not in its own nature a crime worthy of an anathema, is to impose on the faithful a yoke of slavery; that the offence, whatever it be, is more the fault of the confessor than of the sick, who, though he has a right to ask, cannot always obtain it; that the curates and other ecclesiasticks may make it a means of gratifying their own private revenge; that the certificate may be easily mislaid by the negligence of those who surrounded the sick; that it is subject to many other accidents; and that its loss must frequently deprive souls of the grace of the sacraments; that besides, this caution is unknown in a great number of dioceses in the Christian world; that no vestige is to be found of it in the history of the Church; that the Archbishop of Paris has in vain searched the libraries, and turned over the monuments which yet remain of the antient discipline, to discover proofs of its antiquity; that the use of certificates is capable of producing great evils in the State; that it may perhaps be employed to force your Majesty's subjects to submit to decrees contrary

trary to the rights of the Crown, and in favour of a foreign prince; and that, in the time of the league, it was of singular service in arming the faithful against their lawful prince,

Vain alarms, which untoward spirits endeavour to inspire, in order to deprive the Church of a discipline connected with its most essential interests. The doctors of the Sorbonne have fortified your Petitioners against such puerile apprehensions. Is it not very astonishing, this is their judicious remark, that we are at this time unable to produce the old certificates of confession made in former ages? None of the learned are ignorant, that the last religious war cost the Churches their precious titles, even those to their possessions; and that the protestants, the enemies of confession, destroyed, sword in hand, all the bundles of papers, and took particular care not to let one of those certificates escape, that might be brought as evidence against them.

If the testimonials of confession may be mislaid in the house of the sick, the fault can only be imputed to those that lose them. The sick may repair the damage by a new confession, and ought to take particular care not to make this necessary.

The pretended fear of troubles, in times of civil war, is only a panick terror. They even render themselves guilty, by foreseeing such misfortunes, or by even recalling them to mind. If every thing that may be dangerous in such circumstances may not be good in ordinary times, there is no security for any establishment.

But the last reflection, which cuts off all difficulties, and which the Petitioners propose with so much the more confidence, as it is more within

their own province, is, that in all the affairs that deserve ever so little attention, it is a rule, and a strict rule too, to require proofs in writing. This is conformable to the general customs of society, to the constant practice of all courts of justice, and even to the decrees of ordonnances.

In civil law, we can obtain no favour, till we have proved by a writing, that we have the qualifications which render us worthy of it. Is any person about obtaining a commission? he must prove by an instrument in due form, that he has been a major, that he is a native, that he is of the birth and station such a place makes necessary, and even that he is a catholic. A candidate who on all these points offered no other declaration than his own word, would not be heard. Besides, all the commodities which enter the city, owe a duty to your Majesty. Now, at the first barrier a permit must be taken, if they would not be stopped at the second: We cannot touch the revenues of the city without bringing along with us a receipt for the poll tax, Salt is delivered only to those who are furnished with a certificate from the office appointed to receive the price. Upon what foundation then ought a christian to press through the crowd of those who run to the Holy table, without being possessed of his *permit*? What strange inconsistencies fill the human mind! They are unwilling, in an affair of salvation, to carry a writing; but to have salt, to receive revenues, or obtain a post, they comply with this formality, without reluctance.

With relation to the courts of justice; what would be said to the plaintiff who should appear without having his request built on a writing, and without having informed the defendant of the

the copies on which he founded his titles? He would be censured for being ignorant of the contents of the ordonnance of 1669; his demand would be rejected, and he obliged to pay the costs of suit. In the ecclesiastical tribunals, they are not more complaisant with respect to this article; and this example is of great weight, that the official never pays any regard to the mere declarations of the claimants. These reflections are decisive in favour of certificates of confession. The faithful, who presents himself at the holy table, or the sick who demand the Viaticum, is without contradiction the plaintiff, and the minister of the Church the defendant. We may even alledge the disputes which for some time have arisen on these matters, in which the assistance of the vergers, tipstiffs, or runners strongly favour this idea. Now, if the defendant is the plaintiff, let him then fulfil the engagements which his character demands; let him make his title good, and justify his right in a legal and proper manner, by a certificate of confession.

In short, let those who are afraid of submitting to the law of certificates, consult the ordonnances, and especially the celebrated declaration of March 8, 1712. They will there learn that physicians are enjoined not to continue to visit the sick, if in two days after they have informed them that they are in a state of danger, the said sick persons do not shew them a certificate of confession *. The whole

* We will and require, that all physicians be obliged, the second day of their visiting sick persons attacked with a fever, or other sickness, which in its own nature may prove mortal, to warn them to confess, or to see that they be warned

whole universe has applauded so wise a law ; and it is an eternal subject for sorrow and tears, that so salutary an ordonnance should remain unexecuted.

Who indeed can avoid knowing, that the Almighty never created physic for those who defer or refuse to confess ? That we ought not only to be in a state of grace, but to be able to prove that we are so, before we can be worthy to receive a purgative potion ; and that the impious, the heretic, the impenitent sinner, has no right to the vivifying effects of rhubarb and senna ? It is then with great reason, that the declaration of 1712 enjoined that temporal assistance should, without pity, be refused to those who refused to set in order their spiritual concerns. What an admirable invention is that whose salutary effect was to convert sinners, under pain of death, or to precipitate sooner into eternal flames, those who would not take the proper means of avoiding them ; to put a stop, with respect to them, till they were converted to all the healing effects of medicine ; to prohibit the jesuits bark, from exerting its influence in removing the fever of the body, while that of the soul remained uncured by confession, and to snatch from that boundless empire which medicine boasts, all constitutions rebellious to the Church !

ed by their families. ——— We forbid the said physicians visiting them the third day, unless there be produced a certificate of their having been confessed, signed by the confessor. ——— Under the penalty for the first time of paying a fine of 300 livres ; for the second offence, of being suspended from the exercise of any employment during three months, and for the third, of being deprived of their degrees, erased out of the list of doctors, and for ever rendered incapable of exercising the office of a physician in any part of our kingdom. Declar. of March 8. 1712.

Since

Since then all physicians are forbid to defer the declaration of their patients danger, and on default of the exhibition of a certificate of confession, are obliged, under pain of losing the benefit of their practice, to abandon a dying wretch to his unhappy lot, from how many stronger reasons ought spiritual physicians to require certificates, as the only proof that can be admitted. What a strange contradiction would it be in our manners, if less precaution was taken about administering the sacraments, than about a preparative for a purge!

That certificates of confession procure the Church the most precious advantages, your Petitioners flatter themselves they have shewn by the succinct detail they have just made; but, Sire, all they have said supposes, that these notes are given and received without fraud; that they have a constant date; and that these writings, which may be called *Breviates* of salvation, do not become the subject of a low and mercenary traffick.

It has long been remarked, that the best things, by being corrupted, become the worst. If it should happen then, that sordid interest should introduce shameful prevarications about the matter in question, how many afflictive and melancholy consequences might arise from it! The ministers of the Church would be constantly affronted, by being presented with writings, which instead of being passports to heaven, would be the forgeries of avarice and imposture.

Now the only means of preventing abuses of such a dangerous nature, is to order all certificates of confession to be written on stamped paper, and subject to be registered.

It

It is, at first sight, of infinite consequence to give them a constant date. This precaution, which is taken in almost all the acts which pass in the society of the Sorbonne, seem to be still more necessary with respect to certificates of confession. If a person demands of his next neighbour the payment of a note for a crown, he is obliged to have this act registered, by setting his hand to it; we durst not appear in a court of justice, without having first satisfied this formality; an assignment unconfirmed by a register, would be a monster, in the order of justice. And should a Christian be permitted to approach the holy table, or take the holy Viaticum, with an unregistered certificate! Should the ministers of the Lord administer the sacraments to the faithful, without any other knowledge of the true epocha of his absolution, than can be gathered from the testimony of a writing whose date is uncertain! Is it right, that in spite of the most constant rules, this writing should pass between two persons, gain credit with a third, and be obligatory with respect to him, without having any mark of authenticity? Here then is a way left open for the most pernicious frauds. The Monks, seduced by interest, may give acquittances for sins not yet committed, and the hypocritical bearer of these notes, whose dates are anticipated, may come to the foot of the altar a settled villain, and by presenting a false certificate, declare, that he acquitted and disburthened his conscience of former crimes. Is it possible to support the very idea of such an abuse?

A register will not only prevent these spiritual villainies, but also hinder these certificates of confession being, by ignorant and ill-designing men,

men, borrowed, sold, or let out to hire: and in a word, prevent this holy paper being used as an indecent kind of stock-jobbing, capable of ruining many consciences.

The good of the Church, as well as the public interest, requires that a strict attention should be paid to the preservation of certificates of confession; and for the establishment of a register which should be obliged to keep an exact account of these writings, the certificates should be deposited in a particular office. By this means we shall be sure of transmitting to posterity monuments of the discipline of the Church in the eighteenth century. How much is it to be wished; that this wise precaution had not escaped the first pastors who made use of certificates of confession! Their successors would not experience the troublesome embarrassment in which they now find themselves, to prove the antiquity of such an important custom. How glorious must it be for the Petitioners to have thus contributed to the support of the ecclesiastical discipline, and to have their offices become the archives of the Church, and the depository of its most precious writings! What can the innovators of future ages reply, when they will be opposed by the pious writings, whose existence will be owing to the religious foresight of the Petitioners.

To these judicious motives the Petitioners join one which is more particularly within their cognizance: it is drawn from the immense profit which this establishment may procure to your Majesty. Every financier who has the spirit of his profession, and the love of the public welfare at heart, must employ himself with indefatigable zeal, in discovering new means to augment your Majesty's revenue; and what project
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can be so worthy of such an exalted view, as ~~that~~ of registering certificates of confession? If we judge of its produce by the number of confessionals, and of the faithful who frequent them, we may reasonably flatter ourselves a very handsome reward. But what is most truly admirable, this augmentation of the revenue, which the Petitioners propose to your Majesty, has for its foundation the holiness of your subjects; the more constant this holiness will be, the more it will be general, and the more considerable will be the benefit resulting from their being registered. It was reserved for your Petitioners to invent a system that establishes so happy an agreement between the Priesthood and the Empire.

Confession, as the Petitioners have shewn, is a precept for every one, without distinction of persons or consciences. Here then all your Majesty's subjects are obliged to use certificates of confession, and consequently to have them enrolled. What a source of abundance for the chests of the royal treasury! There is not any tax more solid, nor better contrived, than those which arise from things the most common and the most necessary; the duties of the royal aids, and the tribute demanded for the commodities that enter the city, have for their basis this great maxim: and if it was possible to extend it to the air which enters into the lungs, it would be so much the better. This last is a reflection that we made at one of our last assemblies. Since, then, as no one can doubt, the generality of an impost is the just measure of the benefit it ought to produce, what advantages have we not a right to expect from enrolling certificates of confession!

These

These certificates being once subject to be registered, will make room for other writings that are in their own nature subject to the same formality. If one of the faithful, for example, who has confessed without fraud, is refused a certificate on the part of the priest who shall have heard it, and this priest, through caprice, ill humour, or some secret motive, shall obstinately refuse to sign the certificate, it will not be just, that a poor christian, who has done all in his power, in order to prepare himself, should be shamefully deprived of the sacraments. Having as good a foundation to plead as an incumbent has against a refusal of the *Visa*, he shall be authorised to summon the confessor to make him deliver a lawful attestation. Now these summonses being subject to the law for registering; the revenue would reap the benefit; and the produce of these casual incidents would be far from being inconsiderable.

It would be easy, Sire, to extend the necessity of certificates of confession, and consequently to multiply the profits of registering them. They have hitherto only demanded certificates of confession for the Eucharist and the last sacraments, and in many dioceses they are not exact in executing the law of certificates in these two cases. Thanks to the zeal of the Archbishop of Paris, the curates of this Capital begin to introduce the custom for marriage and confirmation. The bishops will soon subject those to it who are to be ordained; because the law by which certificates are prescribed is general, and the motives on which it was made are applicable to all the sacraments.

Besides, if they reason from consequences, (and can we doubt of our bishops doing this?)

It is quite natural for them not to give the communion to any one whatsoever, throughout the whole year, without the sight of a certificate of confession. Why do they in the vestries give the ornaments to a priest, without the prelude of exhibiting a certificate in due form? Does not the saying the mass require as approved a sanctity as merely to communicate? They will not say, that as all priests should be Saints by their profession, they ought to presume them such without confession; ought not all Christians to be so too, and is there any difference between them in this respect, but that of more or less in considering their vocation and their duty? And in reality we may assert without lying, that confession is not less necessary in all senses to many priests, when they would say mass, than it can be to Christians who would communicate. It is easy to perceive, that consequences so just and so necessary, must increase the profits arising from the register.

Civil policy will not furnish less room for rendering certificates of confession more common. It is of infinite consequence to the State, that none but good Catholics enjoy places. What indecency would it be for the office of a coal-meter, an aulnager of cloth, your Majesty's counsellor, or a searcher of hogs tongues, to be possessed by a citizen whose faith and piety are suspected? It has been ordained by a particular declaration of May 14, 1724, that none of your Majesty's subjects should be admitted to fill any post, without producing attestation of his life, manners, and the actual exercise of the catholic, apostolic Roman religion, delivered by the curate or vicar of the parish. In consequence of this, they have for a long time observed, in filling
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up many posts, the custom of demanding from the candidates, certificates of confession and communion ; and they justly regard these certificates as the only sufficient proof of catholicism. Would they oblige a curate to certify that his parishioner, by being exact in his duty, or by having been a churchwarden, was a good Christian, if he had not confessed and communicated to assure him of his faith ? Would it not therefore be very proper to make use of it in all employments, and even to extend it to all fraternities, academies, bodies of merchants, and mistresses of arts and occupations ?

In short, the petitioners have made on this head a most interesting discovery in the glossary of Ducange ; but let not your Majesty be surprised at this proof of erudition ; for we honestly avow, that we owe it to the advocate of the farms. The lives of financiers are scarcely sufficient to learn the foundation of the regulations relating to taxes, and the means of preventing frauds : it is not therefore at all wonderful, that they have preferred reading their duty, to satisfying their curiosity. They ought therefore to be excused for not having read a work, wrote in a language of which they have but little knowledge.

We find in this glossary under the word *Intestato*, that in the thirteenth century, the moveable effects of those who died without confession were forfeited to the lord of the manor. Now, as knowledge increases daily in the Church, it cannot be doubted that they will long delay the revival of this wise custom. Will it not then be of importance to prove the validity of this confiscation, that the proof of confession be duly attested by a certificate duly and properly enrolled ; and that

they take care, in order to deprive your Majesty of your claim to the goods of those who die unconfessed, to have authentic writings, and such as cannot be liable to suspicion?

Nothing remains but to propose to your Majesty, some reflections on the form of establishing the register for certificates of confession.

The acts passed by the notaries in all the cities in the kingdom are enrolled, the notaries of Paris only excepted: their known probity, which secures them from all suspicion of an antedate, has made them merit this privilege.

We believe, with submission to your Majesty, that the certificates of confession delivered by the curates of Paris to their penitents, may also be exempted from being enrolled. The most humble submission with which many of these have subscribed the request which the archbishop of Paris has forced them to present in favour of these certificates, and the zeal with which they have undertaken their defence, even at the expence of their liberty and their wealth, are a sure pledge of the scrupulous exactness with which they will deliver them. An exemption from enrolling will therefore at the same time be both a kind of recompence for the courage with which they have been willing to be martyrs to certificates of confession, and an honour due to their quality, as being curates of the Capital.

We shall say nothing to your Majesty of the rates to be paid for enrolling each certificate; this you will regulate by your prudence. We believe, however, that it will be just to register gratis the certificates of confession delivered to the bishops. To many of these the Church and State have obligations for supporting this holy practice, which they have had the resolution to main-

maintain, without listening to the representations that have been made against it. It would be indecent, while they submitted first to it, in order to set an example, to put them to expence; your Petitioners therefore freely offer to enroll for them gratis.

But as it is a constant practice, that when your Majesty, for particular reasons, discharges one village of a subsidy, it is laid upon the neighbouring villages, so for the same reason as you discharge the bishops of this tax on enrolling, a double tax may be laid on the magistrates who have made so much noise, and published so many arrets against these certificates, as well as the advocates of Paris, who, in order to oppose them as much as in them lay, have shut up their offices, and ceased pleading in all the courts.

It would also be necessary to fix the time of enrolling these certificates, and that during which they shall be kept, in order to be made use of for obtaining the sacraments. The ministers of the church grant them on presenting a certificate, only because this certificate proves purity of conscience obtained by confession. Now, in making use of this certificate many hours after its date, it may happen that in the intermediate time there may be new mortal sins committed, so that the presentation of the certificate may then be a real fraud.

They may remedy this evil by obliging the priests to date their certificates not only in the morning or afternoon, as the notaries make their contracts relating to mortgages, but set down the very hour in which it was signed, ordering that it shall be taken to be registered, and presented to obtain the sacraments the same morning, or the same afternoon. This is the custom in relation

the licence of removal taken out by your Majesty's subjects for transporting their wine from one cellar into another, whose use lasts only for one day, they having always this clause inserted in them, *after this day of no value*. This precaution is always taken to prevent frauds; nor is it less necessary to prevent the spiritual villainies that might arise from presenting a certificate of confession made too many hours before receiving the sacraments.

This apparent severity will procure innumerable benefits; for those who have neglected to make use of their certificate will be obliged to confess a second time, and a new certificate will make room for a second enrollment.

From all these reasons the Petitioners most humbly request, That it may please your Majesty to receive them as appellants against the abuse of the bull of Benedict XI, beginning with these words, *Inter cunctas*; giving them authority upon the appeal to say that it has been abused, and that consequently the said bull be no longer barely entitled, but represented as *extravagante*, for containing things contrary to certificates of confession.

May it be ordained, That all certificates of confession to be delivered by ecclesiasticks, throughout the whole extent of the kingdom, be written upon stampt paper, and subject to be enrolled, on pain of being rendered void.

May it be enjoined, That all ecclesiasticks, whether seculars or regulars, when they go to confess a sick person, carry with them a paper properly stampt, and also a pen and ink; and that as soon as the confession shall be completed, they shall be obliged, before they leave the house, to sign a certificate, in which they shall set down the names,
sur-

furnames, qualities and abodes of the persons they have heard, and the precise hour in which they finished the confession; and all this under pain of such certificate being rendered void.

May they also be forbid, under penalties to be inflicted, the writing the said certificates in Latin, the saying simply that they have confessed *the bearer of these presents*, and putting only the date of the day.

May it be ordained, That the said certificates be presented to be registered immediately after their being finished; and that they be of no value with respect to obtaining the sacraments, except they be presented to the Church the same morning, or the same afternoon in which they shall have been registered: strictly forbidding all curates, vicars, &c. carrying the sacraments in the morning, in consequence of a certificate of confession dated in the evening; or in the afternoon, in virtue of a certificate dated in the morning. The whole under pain of being proceeded against as disturbers of the public repose, and of being punished according to the rigour of the ordonnances.

May it nevertheless be ordained, That by special favour, and without being attended with any ill consequence, the certificates of confession given by the curates of Paris shall hold good, notwithstanding the administration of the sacraments be deferred, and without being enrolled; and also that those expedited for sick bishops by their confessors, shall be registered gratis.

May it moreover be ordained, That the practice established in the parish of St. Sulpice, of keeping a register, in which is inserted the names of all the confessors who have administer'd to the sick, be extended to the other parishes; and that the Petitioners have free licence to compel the said regi-

registers to deliver up the same every year
and as often as the necessity of discovering frauds
and the interest of the farm may require.

The Petitioners voluntarily offer to furnish an-
nually, for the use of the Hospital General, one
of the produce of the new establishment in
question, such a sum as shall please your Ma-
jesty to appoint, that they may contribute on
their part to the re-establishment of that house
the raising of which by a change in the admi-
nistration, the archbishop of Paris has so much
at heart.

And seeing that the parliaments are liable to
exception as having declared against the use
of confession, may it please your Majesty to ap-
point all the disputes that have been or shall be
as he laid before your Majesty, and to order
them to be sent to such such persons as you shall be pleased to appoint, and
joining all parliaments and to the courts of
justice, not to interfere either directly or indirectly.

And your Petitioners shall continue to
pray for the Health and Prosperity of
your Majesty, and the Increase of the
Revenue.

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